

Russell S. Long
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Remarks

Upon entry of this amendment, claims 1-4, 6-8, 14, and 26 will be pending in the application. Claims 9-13 and 15-25 remain withdrawn. Claim 5 has been canceled.

Claims 1 and 26 have been amended to further recite that each side rail has a channel that extends substantially along the entire length of the side rail, which is adapted to receive a substantially vertically extending stiffener member. Claims 1 and 26 further recite that the channel is located on an interior surface of the side rail.

Support for the amendments to claims 1 and 26 are found in Applicants' figures 2 and 4. Since there is support for the amendments in the figures, no issue of new matter is presented.

Summary of Rejections and Objections

Claims 1-8, 14, and 26 are rejected under 35 USC 103(a) as being unpatentable over Pringnitz (US 6,796,603) in view at Hänni (US 5,287,819) and Taul (US 4,136,985).

Rejection of Claims 1-8, 14, and 26 under 35 USC § 103(a)

In paragraph 21 of the office action, the Examiner has rejected claims 1-8, 14, and 26 as being unpatentable over the Pringnitz '603 patent in view of the Hänni '819 patent and the Taul '985 patent. Specifically the Examiner argues that Pringnitz discloses the invention as claimed, Hänni '819 discloses extruded aluminum rails, and that Taul discloses a pair of reinforcing plates. Therefore, the Examiner argues that it would have

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been obvious to one having ordinary skill in the art of the time of the invention was made to modify the invention as disclosed by Pringnitz to include extruded aluminum rails as disclosed by Hänni and a pair of reinforcing plates as disclosed by Taul in order to optimize the weight and strength of the frame for better fuel efficiency. Claims 2, 5, 7, and 14 depend from claim 1. Claims 3-4 depend from claim 2, claim 6 now depends from claim 1, and claim 8 depends from claim 7.

Applicants have amended claims 1 and 26 to recite that each side rail has a channel that extends substantially along the entire length of the side rail, which is adapted to receive one or more substantially vertically extending stiffener members. FIG. 1 of Pringnitz does not disclose, suggest, or teach such a limitation. Rather, FIG. 1 of Pringnitz discloses a pair of angled (not vertically oriented) stiffener members that are attached to the side rails near the top of the frame. Additionally, as can be clearly seen in FIG. 1 of Pringnitz these stiffener members are not received into a channel that extends along the entire length of the side rails.

By having a channel that extends substantially along the length of the entire side rail, Applicants' rear case assembly can accommodate a longer stiffener member thereby significantly increasing the strength of the side rail over that disclosed in the Pringnitz '603 patent since the stiffener member can reinforce most if not the entire length of the side rail. This is in stark contrast to FIG. 1 of Pringnitz, which discloses a stiffener member that is reinforcing the side rails only at the point where the stiffener member and the side rails meet. Additionally, Applicants' side rail design would also decrease the

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total amount of time required to produce a rear case assembly because the step of having to attach the stiffener members to the side and top rail (as disclosed in Pringnitz) is eliminated since the stiffener members slide directly into the side rails.

Finally, the Hänni '813 patent relates to coach body construction for rail vehicles not commercial truck trailers. One having ordinary skill in the art would not combine the Pringnitz '603 patent with the Hänni '813 patent since Hänni is directed toward rail vehicles while Pringnitz is directed towards tractor trailers. In other words, Hänni is non-analogous art. This argument is supported by column 1, lines 34-38, of Hänni which states that the solution conceived "for a chassis for road vehicles cannot be transferred to rail vehicle construction because, in that case, different conditions prevail and there are different requirements." Since Hänni teaches that rail and road vehicle construction are not interchangeable, it would not have been obvious for one skilled in the art to combine the Hänni '813 patent with the Pringnitz '603 patent. Accordingly, Applicants respectfully submit that claims 1-8, 14, and 26 are in condition for allowance.

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In the event that any outstanding matters remain with this application, the Examiner is invited to telephone the undersigned at 724-337-1221 to discuss such matters. If the Examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

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